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FITZPATRICK CELLA HARPER & SCINTO			MA, JOHNNY	
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NEW YORK, NY 10112			PAPER NUMBER	

2614  
DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/451,870

Applicant(s)

ITO ET AL.

Examiner

Johnny Ma

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-96 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 and 23-96 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group II in the reply filed on 4/15/2004 is acknowledged. The traversal is on the ground(s) that the claimed inventions are sufficiently related that a thorough search of the art relevant to Group II will require substantial consideration of the art relevant to Groups I and III to VI. This is not found persuasive because the inventions are distinct for the reasons given in prior Office Action Paper No. 5 and the search required for Group II is substantially different from a search required for the remaining inventions. Furthermore, a search for art relevant to the remaining groups is not required for a thorough search of the art relevant to Group II.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1-11 and 23-96 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 4/15/2004.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2614

4. Claims 12-14, 17-19, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al. (US 6,567,427 B1).

As to claim 12, note the Suzuki et al. reference discloses an image signal multiplexing apparatus and methods, image signal demultiplexing apparatus and methods, and transmission media. The claimed “first decoding means for decoding information encoded by MPEG 4” is met by demultiplexer circuit 205, syntax analysis circuit 206/208 and decoders as illustrated in Figure 1, wherein description is made assuming the MPEG4 scheme is employed for an encoding and decoding scheme (column 13, lines 62-67). The claimed “second decoding means for decoding the image data and/or sound data encoded by the other coding scheme” is met by “[e]ach of the decoders 207-1 to 207-n decodes an associated bitstream based on a predetermined decoding method corresponding to the encoding, and outputs a video or audio signal to the reconstruction circuit 209 (column 16, lines 21-24) and “[t]he syntax analysis circuit 206 identifies the type and the number of required decoders to supply required decoders 207-1 to 207-n with the respective bitstreams ES1-Esn (column 16, lines 3-6) wherein the format of the bitstream may be MPEG2 video or the like (column 20, lines 43-50). The claimed “synthesizing means for synthesizing a plurality of image data and/or sound data decoded by said first and second decoding means” is met by “reconstruction circuit 209 includes a synthesizer circuit 252 such that an image signal produced by the synthesizer circuit 252 is supplied to a display 251 for display (column 16, lines 42-50) wherein elementary streams comprise encoded audio and video streams (column 13, lines 56-59).

As to claim 13, the claimed “wherein said second decoding means decodes image data and/or sound data encoded by MPEG 2,” please see rejection of claim1 wherein the format of the bitstream may be MPEG2 video or the like (column 20, lines 43-50).

As to claim 14, the claimed “further comprising reproducing means for reproducing the image data and/or sound data synthesized by said synthesizing means” is met by “reconstruction circuit 209 includes a synthesizer circuit 252 such that an image signal produced by the synthesizer circuit 252 is supplied to a display 251 for display (column 16, lines 42-50) wherein elementary streams comprise encoded audio and video streams (column 13, lines 56-59).

As to claim 17, note the Suzuki et al. reference discloses an image signal multiplexing apparatus and methods, image signal demultiplexing apparatus and methods, and transmission media. The claimed “decoding information encoded by MPEG 4” is met by demultiplexer circuit 205, syntax analysis circuit 206/208 and decoders as illustrated in Figure 1, wherein description is made assuming the MPEG4 scheme is employed for an encoding and decoding scheme (column 13, lines 62-67). The claimed “decoding the image data and/or sound data encoded by the other coding scheme” is met by “[e]ach of the decoders 207-1 to 207-n decodes an associated bitstream based on a predetermined decoding method corresponding to the encoding, and outputs a video or audio signal to the reconstruction circuit 209 (column 16, lines 21-24) and “[t]he syntax analysis circuit 206 identifies the type and the number of required decoders to supply required decoders 207-1 to 207-n with the respective bitstreams ES1-Esn (column 16, lines 3-6) wherein the format of the bitstream may be MPEG2 video or the like (column 20, lines 43-50). The claimed “synthesizing a plurality of decoded image data and/or sound data” is met by “reconstruction circuit 209 includes a synthesizer circuit 252 such that an

Art Unit: 2614

image signal produced by the synthesizer circuit 252 is supplied to a display 251 for display (column 16, lines 42-50) wherein elementary streams comprise encoded audio and video streams (column 13, lines 56-59).

As to claim 18, the claimed “wherein the other coding scheme is MPEG 2,” please see rejection of claim 17 wherein the format of the bitstream may be MPEG2 video or the like (column 20, lines 43-50).

As to claim 19, the claimed “further comprising the step of reproducing the image data and/or sound data synthesized in the synthesizing step” is met by “reconstruction circuit 209 includes a synthesizer circuit 252 such that an image signal produced by the synthesizer circuit 252 is supplied to a display 251 for display (column 16, lines 42-50) wherein elementary streams comprise encoded audio and video streams (column 13, lines 56-59).

As to claim 22, note the Suzuki et al. reference discloses an image signal multiplexing apparatus and methods, image signal demultiplexing apparatus and methods, and transmission media wherein the disclosed processing may be implemented in software or hardware (column 22, lines 15-24). The claimed “first decoding process procedure code for decoding information encoded by MPEG 4” is met by demultiplexer circuit 205, syntax analysis circuit 206/208 and decoders as illustrated in Figure 1, wherein description is made assuming the MPEG4 scheme is employed for an encoding and decoding scheme (column 13, lines 62-67). The claimed “second decoding process procedure code for decoding the image data and/or sound data encoded by the other coding scheme” is met by “[e]ach of the decoders 207-1 to 207-n decodes an associated bitstream based on a predetermined decoding method corresponding to the encoding, and outputs a video or audio signal to the reconstruction circuit 209 (column 16, lines 21-24) and “[t]he

syntax analysis circuit 206 identifies the type and the number of required decoders to supply required decoders 207-1 to 207-n with the respective bitstreams ES1-Esn (column 16, lines 3-6) wherein the format of the bitstream may be MPEG2 video or the like (column 20, lines 43-50). The claimed "synthesizing process procedure code for synthesizing a plurality of decoded image data and/or sound data" is met by "reconstruction circuit 209 includes a synthesizer circuit 252 such that an image signal produced by the synthesizer circuit 252 is supplied to a display 251 for display (column 16, lines 42-50) wherein elementary streams comprise encoded audio and video streams (column 13, lines 56-59).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 15-16 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (US 6,567,427 B1) in further view of Rajan (US 2001/0000962 A1).

As to claim 15, note the Suzuki et al. reference discloses MPEG 4 encoding and decoding (Suzuki et al. 13:62-67) wherein image data is synthesized from a plurality of decoders at reconstruction circuit 209 as illustrated in Figure 1. However, the Suzuki et al. reference is silent as to setting a synthetic pattern. Now note the Rajan reference discloses a terminal for composing and presenting MPEG-4 video programs wherein "...the scene description information is coded into a binary format known as BIFS (Binary Format for Scene) This BIFS data is packetized and multiplexed at a transmission site, such as a cable and or satellite

Art Unit: 2614

television headend, or a server in a computer network, before being sent over a communication channel to a terminal 100" (Rajan [0042]). The claimed "further comprising a setting means for setting a synthetic pattern of the plurality of image data to be synthesized by said synthesizing means" is met by "[t]he terminal manager 110 passes the user input events to the composition engine 120 for appropriate handling. For example, a user may enter commands to reposition or change the attributes of certain objects within the scene graph" (Rajan [0068]) wherein the composition engine maintains and updates a scene graph of the current objects for display (Rajan [0078]). The claimed "and a reproduction pattern by said reproduction means" is met by scene graph for reproduction of objects for display (Rajan [0078]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify (if necessary) the Suzuki et al. MPEG 4 presentation with the Rajan user option to manipulate the display of objects for the purpose of allowing a user to customize display of programming and user interactivity with such programming wherein the MPEG-4 communication standard allows a user to interact with video and audio objects within a scene, whether they are from conventional sources, such as moving video, or from synthetic (computer generated) sources (Rajan [0004]).

As to claim 16, the claimed "further comprising a memory for storing the reproduction pattern set by said setting means" is met by that discussed in the rejection of claim 15 wherein user modifies a scene graph that is maintained on a terminal for presentation of programming, the storing in memory of such information is inherent to the maintaining of the scene graph for composition purposes. The claimed "in correspondence with information indicating a broadcast program included in the received information" is also met by that discussed in the rejection of



Art Unit: 2614

claim 15 wherein the stored scene graph information corresponds to broadcasted video programming as evidenced by program transmission from a cable and or satellite television headend (Rajan [0042]).

As to claim 20, note the Suzuki et al. reference discloses MPEG 4 encoding and decoding (Suzuki et al. 13:62-67) wherein image data is synthesized from a plurality of decoders at reconstruction circuit 209 as illustrated in Figure 1. However, the Suzuki et al. reference is silent as to setting a synthetic pattern. Now note the Rajan reference discloses a terminal for composing and presenting MPEG-4 video programs wherein "...the scene description information is coded into a binary format known as BIFS (Binary Format for Scene). This BIFS data is packetized and multiplexed at a transmission site, such as a cable and or satellite television headend, or a server in a computer network, before being sent over a communication channel to a terminal 100" (Rajan [0042]). The claimed "further comprising the step of setting a synthetic pattern of the plurality of image data in the synthesizing step" is met by "[t]he terminal manager 110 passes the user input events to the composition engine 120 for appropriate handling. For example, a user may enter commands to reposition or change the attributes of certain objects within the scene graph" (Rajan [0068]) wherein the composition engine maintains and updates a scene graph of the current objects for display (Rajan [0078]). The claimed "and a reproduction pattern in the reproducing step" is met by scene graph for reproduction of objects for display (Rajan [0078]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify (if necessary) the Suzuki et al. MPEG 4 presentation with the Rajan user option to manipulate the display of objects for the purpose of allowing a user to customize display of programming and user

Art Unit: 2614

interactivity with video programming wherein the MPEG-4 communication standard allows a user to interact with video and audio objects within a scene, whether they are from conventional sources, such as moving video, or from synthetic (computer generated) sources (Rajan [0004]).

As to claim 21, the claimed "further comprising the step of storing the reproduction pattern set in the setting step in a memory" is met by that discussed in the rejection of claim 15 wherein user modifies a scene graph that is maintained on a terminal for presentation of programming, the storing in memory of such information is inherent to the maintaining of the scene graph for composition purposes. The claimed "in correspondence with information indicating a broadcast program included in the received information" is also met by that discussed in the rejection of claim 15 wherein the stored scene graph information corresponds to broadcasted video programming as evidenced by program transmission from a cable and or satellite television headend (Rajan [0042]).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


The Matsui reference (US 6,535,530 B1) discloses an apparatus and method for demultiplexing multiplexed data.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (703) 305-8099. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jm

  
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